

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JAMES S. COLEMAN, : CIVIL ACTION NO. 1:01-0267

Petitioner : (CALDWELL, J.)

v. : (MANNION, M.J.)

SUSAN GERLINSKI, :

Respondent :

O R D E R

On February 9, 2001, the petitioner, an inmate at the Low Security Correctional Institution at Allenwood, ("LSCI-Allenwood"), White Deer, Pennsylvania, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, in which he challenges the computation of his sentence by the Bureau of Prisons. (Doc. No. 1).

On April 10, 2001, prior to this court giving his petition preliminary consideration and/or issuing a show cause order, the petitioner filed a "Motion for Summary Judgment", in which he states that "[he] has waited for the required time for a response from the Respondent (20 days)", and that "[t]here is no showing of a genuine issue of material fact related to substantive law that can show why the Petitioner's motion should not succeed." (Doc. No. 4).


This action has properly been filed by the petitioner as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. No order to show cause has yet been issued by the Court requiring a response to the petition for writ of habeas corpus and therefore there is not yet any "required time for a response from respondent"

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MARY E. D'ANDREA, CLERK
Per.
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as alleged by petitioner. Further, because this is a request for relief pursuant to 28 U.S.C. §2241, a motion for summary judgment is improper.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

the petitioner's "Motion for Summary Judgment", (Doc. No. 4), is DISMISSED.


MALACHY E. MANNION
United States Magistrate Judge

Date: April 17, 2001

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 17, 2001

Re: 1:01-cv-00267 Coleman v. Gerlinski

True and correct copies of the attached were mailed by the clerk
to the following:

James S. Coleman
LSCI-ALLENWOOD
Low Security Correctional Inst.
09229-007
P.O. Box 1000
White Deer, PA 17887

cc:			
Judge	()	()	Pro Se Law Clerk
Magistrate Judge	()	()	INS
U.S. Marshal	()	()	Jury Clerk
Probation	()		
U.S. Attorney	()		
Atty. for Deft.	()		
Defendant	()		
Warden	()		
Bureau of Prisons	()		
Ct Reporter	()		
Ctroom Deputy	()		
Orig-Security	()		
Federal Public Defender	()		
Summons Issued	()	with N/C attached to complt. and served by:	
		U.S. Marshal ()	Pltf's Attorney ()
Standard Order 93-5	()		
Order to Show Cause	()	with Petition attached & mailed certified mail	
		to: US Atty Gen ()	PA Atty Gen ()
		DA of County ()	Respondents ()
Bankruptcy Court	()		
Other	()		

MARY E. D'ANDREA, Clerk

DATE:

4-17-01

BY:

Deputy Clerk